

REMARKS

As an initial matter, Applicants acknowledge the indication that the finality of the Office Action mailed 21 May 2003 was withdrawn in favor of the Action mailed 8 August 2003.

Applicants also wish to express their thanks for the courtesy of the interview on October 5, 2003 between Examiners Joyce Tung, Ethan Whisenant and the undersigned.

The interview included a discussion of the references cited under 35 U.S.C. § 103(a) and the pending claims. In particular, a discussion of the teachings of Lin et al. (US 2002/0137709) included the disclosure of Example 5, paragraph 0104, on page 9 therein. A discussion regarding the use of a mixture of primers comprising a single variable "N" position between a defined oligo(dC)₁₀ primer region and a defined T7 RNA polymerase region occurred because Lin et al. did not disclose the use of random primers as present in the instant invention. The undersigned presented the position that the primer mixture described in Example 5 did not meet the elements of the pending claims and so did not support the assertion of unpatentability under 35 U.S.C. § 103(a).

The undersigned also indicated that there was no disclosure of random primers in the cited references by Shannon (U.S. Patent 6,132,997) and Lin et al. (US 2003/0022318), after which, Examiner Whisenant suggested that they be reviewed for disclosures similar to that found in Example 5 of Lin et al. (US 2002/0137709) as described above.

Examiner Whisenant also provided copies of three U.S. Patents (5,965,409; 6,387,624; and 6,509,175) which he indicated should be reviewed for possible relation to the claimed invention. Applicants have reviewed these references and would like to point out that U.S. Patent 5,965,409 (Pardee et al.) relates to the preparation of cDNA molecules from mRNA by use of reverse transcription coupled PCR (RT-PCR). This is in contrast to the instant invention, which relates to the preparation of cDNA for subsequent translation to produce amplified RNA. Given the differences in technological focus between Pardee et al. and the instant invention, Applicants do not believe that the possible use of a primer containing an arbitrary sequence in RT-PCR is relevant to the instantly claimed subject matter.

of ordinary skill to the instantly claimed invention. Accordingly, Applicants respectfully submit that no *prima facie* case of obviousness has been presented, and this rejection may be properly withdrawn.

Conclusion

In light of the above, Applicants respectfully submit that the claims are allowable and request early indication to that effect with the passage of the instant application to issue. If the Examiner believes further discussion would expedite prosecution of this application, she is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,



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